

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1339 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

and

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  
2. To be referred to the Reporter or not? : NO
  
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  
5. Whether it is to be circulated to the Civil Judge? : NO

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KESHVALAL DHARAMSHIBHAI PATEL

Versus

SPL LAND ACQUISITION OFFICER

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Appearance:

MR YN RAVANI for Petitioner

Mr.V.M.Pancho

Mr.Kartik Thakker for M/S TRIVEDI & GUPTA for Respondent No. 2

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CORAM : MR.JUSTICE M.H.KADRI

and

MR.JUSTICE D.P.BUCH

Date of decision: 20/06/2000

ORAL JUDGEMENT

1. Petitioner has filed this petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus or any other direction against the respondents to make payment of additional compensation as per the award made by the first respondent under Section 28A of the Land Acquisition Act, 1894 ('Act' for short).

2. Land of the petitioner bearing Survey No.555-2 situated at village Borisana came to be acquired along with other agricultural lands of different owners for the purpose of drilling by the Oil & Natural Gas Commission by notification issued under Section 4(1) of the Act on April 4, 1989. After following usual procedure, respondent No.1 made his award under Section 11 of the Act on March 26, 1991. Other lands owners, excepting the petitioner, filed applications under Section 18 of the Act before the District Court, Mehsana, for enhancement of compensation. The District Court, Mehsana, by judgment and award dated July 31,1996, determined the market value of the acquired lands of village Borisana at the rate of Rs.12 per sq.mtr. The petitioner, after the judgment and award of the District Court, Mehsana, filed application under Section 28A of the Act on August 16, 1996 before respondent No.1, who made his award awarding compensation to the petitioner at the rate of Rs.12 per sq.mtr which was sanctioned by the State Government on January 21,1999.

3. The grievance of the petitioner is that after making of the award under Section 28A of the Act, even though the State Government had sanctioned the said award, respondent No.1 has not paid amount of compensation. Letter dated December 30, 1999 was addressed by respondent No.1 to the advocate of the petitioner that, in spite of several reminders, respondent No.2, i.e. Oil & Natural Gas Commission, Ahmedabad, was not depositing the amount of compensation as per the award made under Section 28A of the Act. The petitioner has filed this petition for issuance of appropriate writ or direction against the respondents to make payment as per the award made under Section 28A of the Act.

4. We have heard learned counsel for the petitioner Mr. Y.N. Ravani, and learned counsel for respondent No.2, Mr. Kartik Thakker, who appeared for M/s. Trivedi & Gupta for Oil & Natural Gas Commission. Learned counsel Mr. Thakker has made statement at the Bar that respondent No.2-Oil & Natural Gas Commission shall

deposit the amount with respondent No.1 as per the award made under Section 28A of the Act within four weeks from today.

5. On the aforesaid statement being made by learned counsel for respondent No.2, we direct that respondent No.2 shall deposit the amount of compensation with respondent No.1, as per the award made by respondent No.1 within four weeks from today.

6. With this direction, this petition is allowed. Rule is made absolute with no order as to costs. Direct service is permitted.

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[ swamy ]